GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

EFS&T Department – Rules – Amendments to the Andhra Pradesh Water (Prevention and Control of Pollution) Rules, 1976 – Notification – Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.I) DEPARTMENT

G.O.Ms.No.65 **Dated:05/11/2021**
Read the following:-

1. The Water (Prevention and Control of Pollution) Act, 1974.
2. G.O.Ms.No.559, EFS&T Dept., dated 04.12.1976.
3. From the Member Secretary, APPCB, Lr.No.3/APPCB/Legal/ APEIA/2020, dated 14.08.2020.

&&&

ORDER:

In the G.O. second read above, Government have issued the Andhra Pradesh Water (Prevention and Control of Pollution) Rules, 1976.

2. In the letter third read above, the Member Secretary, Andhra Pradesh Pollution Control Board has proposed amendments to the Andhra Pradesh Water (Prevention and Control of Pollution) Rules, 1976.

3. Government have examined the proposal in detail and decided to amend the Andhra Pradesh Water (Prevention and Control of Pollution) Rules, 1976.

4. Accordingly, the following notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the power conferred by the Section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), the State Government after consultation with the Andhra Pradesh Pollution Control Board, hereby make the following amendments to the Andhra Pradesh Water (Prevention and Control of Pollution) Rules, 1976, as amended from time to time and it shall come into force from the date of publication in the official Gazette:-

AMENDMENTS

In the said rules,-

1. In Rule 2, after item (k), the following shall be inserted, namely:-

"(l). "**Annual Compliance Statement**" means a statement to be submitted by all persons or occupiers carrying on any industry, factory, mine, operation or process and all other activities, which requires consent under the Water (Prevention and Control of Pollution) Act, 1974 or any other Acts, Rules and Notifications where the Andhra Pradesh Pollution Control Board is the prescribed authority, including the compliance status of the conditions imposed in the consent for establishment, consent for operation, Authorizations; the compliance status on the directions issued by the Andhra Pradesh Pollution Control Board; and an overall assessment of the water quality, both within the premises and outside the premises in the surroundings.

(m). "Environment Quality Assessment Auditor" means a person or agency or organization empanelled and notified by the Andhra Pradesh Pollution Control Board for the purposes of Environmental Quality Assessment.

(PTO)

(n). "Environmental Statement" means a statement to be submitted by every person carrying on an industry, operation, or process requiring consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) to the concerned State Pollution Control Board on or before the 30th day of September every year, as per Rule 14 of the Environment (Protection) Rules, 1986."

2. After Rule 33, the following shall be inserted, namely :-

"Rule 33 (A): Submission of Annual Compliance Statement: -

(1) Every person or occupier carrying on any industry, factory, mine, operation or process and all other activities, which requires consent under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 shall submit Annual Compliance Statement to the Andhra Pradesh Pollution Control Board in the prescribed proforma, every year on or before the 30th day of September, along with Environmental Statement as required under Rule 14 of the Environment (Protection) Rules, 1986.

(2) The Annual Compliance Statement and Environmental Statement submitted under sub-rule (1) shall be placed by the person or occupier on their website, as well as on the website of the Andhra Pradesh Pollution Control Board with a provision to obtain comments or remarks from any Indian resident for a minimum period of 15 days.

(3) The Government of Andhra Pradesh in consultation with the Andhra Pradesh Pollution Control Board may prescribe a fee to be paid along with the Annual Compliance Statement to meet its expenses.

(4) Any person or occupier who fails to submit the Annual Compliance Statement and Environmental Statement as specified in sub-rule (1) above within the prescribed time shall be liable to pay a late fee as specified by the Government of Andhra Pradesh in consultation with the Andhra Pradesh Pollution Control Board; apart from other actions under the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

(5) The Andhra Pradesh Pollution Control Board shall mandatorily take up inspections under section 23 of the Water (Prevention and Control of Pollution) Act, 1974 of any industry, factory, mine, operation or process and other activities, which fails to submit the Annual Compliance Statement and Environmental Statement as specified under sub-rule (1) and take further necessary action as stipulated under provisions of the Water (Prevention and Control of Pollution) Act, 1974.

Rule 33(B): Verification of Annual Compliance Statement and Environmental Statement

(1) The Andhra Pradesh Pollution Control Board, on its own or through the Environment Quality Assessment Auditor, shall carry out the verification of the Annual Compliance Statement and Environmental Statement submitted under sub-rule (1) of Rule 33 A along with the comments or remarks obtained as per sub-rule (2) of Rule 33 (A) above.

(2) Environment Quality Assessment Auditor shall submit the verification report to the Andhra Pradesh Pollution Control Board within stipulated period as specified by the Andhra Pradesh Pollution Control Board.

(Contd...P.3)

(3) In case, non-compliances or lapses are noticed by the Environment Quality Assessment Auditor or the Andhra Pradesh Pollution Control Board, the Andhra Pradesh Pollution Control Board shall inspect and take the necessary action as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

(4) After inspection by the Andhra Pradesh Pollution Control Board, suitable specific directions under section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 may be issued to the person or occupier to rectify the non-compliances or the lapses noticed, duly specifying the timeframe for compliance of each direction.

Rule 33(C):Submission of Audited Annual Compliance Statement

(1) The Andhra Pradesh Pollution Control Board may, after Board resolution, notify the date and notify the type of industries and activities that are required to submit audited Annual Compliance Statement and audited Environmental Statement.

Note: The Andhra Pradesh Pollution Control Board may notify different dates for different type of industries and activities that are required to submit audited Annual Compliance Statement and audited Environmental Statement.

(2) The Annual Compliance Statement and Environmental Statement shall be audited only by an Environment Quality Assessment Auditor empanelled and notified by the Andhra Pradesh Pollution Control Board.

Rule 33 (D): Empanelment of Environment Quality Assessment Auditor

(1) The guidelines for empanelment of Environment Quality Assessment Auditors, the terms and conditions for their engagement, their powers, responsibilities and functions, action against defaulting auditors and other related matters, shall be as prescribed by Rules in this regard.

(2) Any Environment Quality Assessment Auditor, empowered by the Andhra Pradesh Pollution Control Board, shall have a right to enter, at all reasonable times with such assistance as considers necessary, any industry, factory, mines, operation or process for the purposes of Environment Quality Assessment audit."

3. After Rule 37-A, the following shall be inserted, namely :-

"Rule 38: Environmental Compensation

(1) Whoever violates the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Rules framed thereunder; and causes damages to the quality of water shall be liable to pay Environmental Compensation as determined by the Andhra Pradesh Pollution Control Board in compliance of the orders of the National Green Tribunal.

(2) The Environmental Compensation payable shall be in addition to any other actions stipulated under the Water (Prevention and Control of Pollution) Act, 1974.

(3) In case of failure in depositing Environmental Compensation, the Andhra Pradesh Pollution Control Board shall take further action under Section 33-A of Water (Prevention and Control of Pollution) Act, 1974.

(PTO)

Rule 39: Online Monitoring

(1) The Andhra Pradesh Pollution Control Board may direct under Section 33-A of Water (Prevention and Control of Pollution) Act, 1974, any person or occupier carrying on any industry, factory, mine, operation or process to

(i) Install online Continuous Effluent Quality Monitoring Systems; and

(ii) Transmit monitoring data online real time to centralized monitoring stations at the Head /Zonal /Regional Offices of the Andhra Pradesh Pollution Control Board.

(2) If any exceedance of the pollution parameters occurs more than the standards specified, the Andhra Pradesh Pollution Control Board or its authorized agency shall communicate to the occupier and other stakeholders through electronic means or any other means for immediate corrective action by the person or the occupier.

(3) In case of exceedances of the stipulated parameters or non-compliance of directions, the Andhra Pradesh Pollution Control Board may determine Environmental Compensation payable in accordance with the orders of the National Green Tribunal.

Rule 40: Scientific Waste Disposal

(1) Every person or occupier carrying on any industry, factory, mine, operation or process and all other activities which requires consent under the Water (Prevention and Control of Pollution) Act, 1974 shall ensure adequate treatment of waste and ensure scientific disposal of trade effluent, hazardous and other wastes through authorized agencies, as notified by the Andhra Pradesh Pollution Control Board to enable continuous waste disposal monitoring.

(2) Any person or occupier who fails to dispose the trade effluent, hazardous and other wastes to the authorized agency, as notified by the Andhra Pradesh Pollution Control Board shall be treated as unscientific disposal and liable for action under the Water (Prevention and Control of Pollution) Act, 1974.

(3) Further, it shall be presumed that the trade effluent, hazardous and other wastes are disposed by the person or the occupier in an unauthorized manner and the person or occupier shall be liable to pay Environmental Compensation for such disposal for the entire quantity".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VIJAY KUMAR G.Srkr
SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationary & Stores Purchase, Vijayawada (with a request to publish the said notification and supply 50 copies to the E.F.S.&T. Dept.,)
The Member Secretary, APPCB, Vijayawada.
Copy to:
The PS to Addl. Secy., to CM,
The PS to M.(E,E.F.S.&T.),
The PS to Secretary to Govt., E.F.S.&T. Department.
The Law Department.
SF/SC (Computer No.1209567)

// FORWARDED::BY ORDER //

SECTION OFFICER